

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-40089- RGS

JOSEPH MARION HEAD

v.

UNKNOWN PARTIES, et al.

CIVIL ACTION NO. 04-40090- RGS

JOSEPH MARION HEAD

v.

UNITED STATES OF AMERICA, et al.

CIVIL ACTION NO. 04-40103- RGS

JOSEPH MARION HEAD

v.

UNITED STATES OF AMERICA,
STATE OF NORTH CAROLINA, and DAVID L. WINN

ORDER OF DISMISSAL

November 9, 2004

STEARNS, D.J.

The plaintiff Joseph Head, Jr. is a serial filer and an established nuisance in any number of federal courts. In 2004, this session has been assigned seven cases instituted

by Head.¹ On September 17, 2004, this court issued an Order enjoining Head from filing further petitions without leave of court.

The above caption identifies Head's cases currently pending in this session. These cases will be dismissed and are to be refiled only with the prior permission of the court. The court relies on its authority to sua sponte dismiss cases that are patently frivolous or incurable by amendment. See Clorox Co. Puerto Rico v. Proctor & Gamble Commercial Co., 228 F.3d 24, 30-31 (1st Cir. 2000). Cf. Neitzke v. Williams, 490 U.S. 319, 329 (1989). Accordingly, cases 04-cv-40089, 04-cv-40090, and 04-cv-40103 are DISMISSED without prejudice.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

¹Those cases are enumerated as follows: 04-cv-10522; 04-cv-11120; 04-cv-40042; 04-cv-40084; 04-cv-40089; 04-cv-40090; and 04-cv-40103.